

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

.....
BOSTON AND MAINE CORPORATION,

Plaintiff,

v.

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY,

Defendant.
.....

CIVIL ACTION No. 05-11656-RCL

**ASSENTED TO MOTION
TO ADVANCE TIME FOR HEARING**

Defendant Massachusetts Bay Transportation Authority (the "MBTA") moves to advance the time set for the hearing of the parties cross-motions for partial summary judgment from 2 p.m. on September 6, 2006 to 10 a.m. on that date. As grounds therefore, the MBTA states that its counsel is engaged in the afternoon on a preliminary injunction hearing in Allen et al. v. National Institutes of Health et al., C.A. No. 06-10877-PBS. Plaintiff Boston and Maine Corporation assents to the motion.

By its attorneys,

/s/ John M. Stevens

John M. Stevens (BBO #480140)

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CERTIFICATION PURSUANT TO LOCAL RULE 7(A)(2)

I, John M. Stevens, hereby certify that I conferred in good faith with counsel for the plaintiff to narrow or resolve the issues raised in the motion, and counsel assented to the motion.

/s/ John M. Stevens

Dated: August 30, 2006